

U.S. Patent Application Serial No. 10/567,968
Amendment filed June 4, 2010
Reply to OA dated March 4, 2010

REMARKS

Claims 1-15 are pending in this application, with claims 1-4 and 8-15 withdrawn from consideration. Claims 6 and 7 are amended, and claim 16 is newly added herein. Upon entry of this amendment, claims 1-16 will be pending, with claims 1-4 and 8-15 withdrawn from consideration. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/JP04/11853, filed 8/10/2004. (Office action paragraph no. 3)

The Examiner states that: "A reference to the prior application must be inserted as the first sentence(s) of the specification ..., if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a)."

However, the present application is a **371 National Stage application** of International application PCT/JP04/11853. See the Notice of Acceptance of Application under 35 U.S.C. 371 mailed October 31, 2008. Applicant notes that MPEP1893.03(d) states:

"Note: a national application submitted under 37 U.S.C. 371 may **not** claim benefit of the filing date of the international application of which it is the national stage Accordingly, it is **not necessary** for the applicant to amend the first sentences(s) of the specification to reference the international application number" (emphasis added)

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Applicant has therefore not amended the specification to include a reference to the international application.

Regarding the amendment to claims 6 and 7 and new claim 16.

Claims 6 and 7 have been amended to clarify the recited structures. Claim 6 has been amended for clarity only, clarifying that the recited article comprises the fabric and the antiviral agent of claim 5. Claim 7 has been amended to recite specific forms of the antiviral member, and the amendment to claim 7 is supported by page 3, lines 16-20.

New claim 16 recites a method comprising the step of “supporting a powder of partially hydrated calcined dolomite on a fabric.” Support for this recitation may be found, for example, at page 3, lines 1-2, of the specification.

Claims 5-7 are rejected under 35 U.S.C. §102(b) as being anticipated by Crowell (US 1,577,450; published 06/11/1923), evidenced by Felder-Casagrande et al. (J. Thermal Analysis, 1997, 47, 971-978). (Office action paragraph no. 6)

The rejection of claims 5-7 is respectfully traversed and reconsideration is requested. Applicant notes that no amendment is made to claim 5, and the amendment to claim 6 merely clarifies the wording of this claim.

The Examiner states that Crowell is directed to fibrous articles, where fabric is to be coated with an aqueous suspension of bentonite clay, which comprises lime (CaO) and magnesia (Mg). The

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Examiner cites Felder as being directed to calcination of limestone and of dolomite. The Examiner states: "Thus the results of the calcination of dolomite results in the agents provided by Crowell onto their fabric." The Examiner further states that: "With respect to the limitation that the decomposition products of dolomite possess antiviral benefits is an inherent property which Crowell would necessarily present."

With regard to the rejection of claim 5, Applicant submits that "a powder prepared by partial hydration of calcined dolomite," as recited in claim 5, is **not** disclosed by the cited references.

Calcined dolomite itself is known in materials such as construction materials and materials for fireproof buildings in the prior art, and is disclosed in Felder. However, "a powder prepared by partial hydration of calcined dolomite" is a powder composed of calcined dolomite and hydrated calcined dolomite. This contains hydrated dolomite such as Ca(OH)_2 , Mg(OH)_2 and the like which are not included in calcined dolomite itself.

Felder is directed to calcination (heating to induce decomposition) of limestone. In addition to calcination of limestone, calcination of dolomite is disclosed. Calcination of dolomite results in the production of carbon dioxide (gas), lime and magnesia. The Applicant submits that the calcination of dolomite produces carbon dioxide (gas), lime (CaO) and magnesia (MgO), and does not produce calcined dolomite and partially hydrated dolomite.

Therefore, Felder does not disclose the "powder prepared by partial hydration of calcined dolomite" of claim 5, and further does not suggest such a powder.

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With regard to claim 6, the Examiner cites Crowell '450, which discloses a coated fibrous article. The Examiner cites page 2, lines 60-65, which discloses coating kraft paper with sodium silicate and **bentonite clay**. However, there is no disclosure here of any dolomite, in particular, the partially hydrated calcined dolomite of claim 5.

Applicant submits the Examiner has misinterpreted the Crowell reference. Page 1, lines 55-70 of the reference give a chemical analysis of the bentonite clay, presenting the magnesium as the % magnesia content and the calcium as the % lime. However, this is merely a way of presenting the content of Mg and Ca, and **bentonite is not dolomite**. Crowell does not disclose any form of dolomite on fabric. Moreover, there is no suggestion in Crowell to place any type of dolomite on fabric, and no suggestion in Felder to place calcined dolomite on fabric. Therefore, claim 6 is clearly not obvious over the combination of Crowell and Felder. In addition, as noted above, there is no disclosure in Felder of a "powder prepared by the partial hydration of calcined dolomite."

With regard to claim 7, Applicant further notes that Crowell relates to coated cloth and paper and to silicate coating compositions therefor in which a considerable proportion of highly hygroscopic bentonite clay (contains CaO, MgO) or the like is combined or incorporated so as to minimize or prevent cracking or flaking when relatively thin films or coatings are used. Crowell does not relate at all to antiviral agents, and there is clearly no suggestion for the forms of the antiviral fabric in claim 7.

Claims 5-7 are therefore not obvious over Felder and Crowell, taken separately or in combination.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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